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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 9564-8

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on July 31, 2008

Signature Candi L Riggs

Typed or printed name Candi L. Riggs

Application Number	Filed
10/560,791	12/15/2005

First Named Inventor: Anders Angelhag

Art Unit	Examiner
2617	C. M. Brandt

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 48,568
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

Elizabeth A. Stanek
Typed or printed name

919/854-1400
Telephone number

July 31, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

Attorney's Docket No. 9564-8 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Anders Angelhag
Serial No.: 10/560,791
Filed: December 15, 2005
Confirmation No.: 3015
Group Art Unit: 2617
Examiner: Brandt, Christopher M.

For: **METHODS AND APPARATUS FOR CONTROLLING CONNECTION BETWEEN A PLURALITY OF CONNECTABLE DEVICES**

Date: July 31, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS IN SUPPORT OF APPLICANT'S PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which have been extended indefinitely.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Applicant hereby requests a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed March 31, 2008 (hereinafter "Final Action") and the Advisory Action of July 15, 2008 (hereinafter "Advisory Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Claims 47-86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0032460 A1 to Cannon *et. al.* (hereinafter "Cannon") in view of United States Patent No. 6,675,006 B1 to Diaz *et al.* (hereinafter "Diaz") in further view of United States Patent No. 7,269,444 to Mori (hereinafter "Mori"). *See* Final Action, page 2. Claims 55-62 and 75-83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon, Diaz and Mori in further view of

United States Patent Publication No. 2002/0173347 to Kinnunen. *See* Final Action, page 9. Applicant respectfully submits that many of the recitations of the pending claims are not met by the cited combination for at least the reasons discussed in Applicant's previously filed Amendment of January 7, 2008 and Request for Reconsideration After Final of June 30, 2008. In particular, Applicant respectfully requests review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicant will only discuss independent Claims 47, 66, 67 and 86 herein.

Claim 47 recites:

> A method of connecting a plurality of devices to a common accessory, comprising:
>
> receiving a first selection signal, at the common accessory from a selection device remote from the common accessory, configured to highlight a first output indicia that is specifically associated with one of the plurality of devices on the common accessory such that the highlighted first output indicia is observable by a user of the common accessory and the one of the plurality of devices; and
>
> establishing a connection between the one of the plurality of devices and the common accessory responsive to the first selection signal based on the highlighted first output indicia,
>
> **wherein ones of the plurality of devices are associated with a predetermined order of priority; and**
>
> **wherein establishing a connection comprises establishing a connection between the one of the plurality of devices and the common accessory based on the predetermined order of priority such that a connection between a device having a highest predetermined priority and the common accessory is established first if the device having the highest predetermined priority is present and a connection between a device having a next highest predetermined priority and the common accessory is established if the device having the highest predetermined priority is not present.**

Independent Claims 66, 67 and 86 include similar recitations to the highlighted recitations of Claim 47. Applicant respectfully submits that independent Claims 47, 66, 67 and 86 and the claims that depend therefrom are patentable over the cited combination for at least the additional reasons discussed herein.

The Final Action admits that Cannon and Diaz fail to teach the highlighted recitations of Claim 47. *See* Final Action, page 4. However, the Final Action points to Mori as providing the missing teachings. *See* Final Action, page 4. Applicant respectfully disagrees.

In particular, the Final Action points to the indication of priority by the digits 1 thorough 9 as discussed at column 4, lines 17-21 of Mori as providing the missing teachings. *See* Final Action, page 4. The Final Action also cites to Mori, column 6, lines 60-63 and column 7, lines 23-25. *See* Final Action, page 4. Applicant admits that these sections of Mori discuss priority. Applicant does not claim to have invented the concept of priority. However, the sections of Mori discuss that in a particular situation, a single portable device establishes a connection with a second device (an accessory), for example, a car navigation system, based on the priority of the second device in a particular situation. *See e.g.,* Mori, column 4, lines 28-29. In other words, in each particular situation, a particular accessory is deemed to have the highest priority for that situation (...when the car-navigation system 13 is not detected on the wireless LAN, the handset 12 has a higher priority and the ringing sound is produced. When the user is in the car, the car-navigation system 13 is selected and the speech call is enabled by the hands-free unit 47 of the car-navigation system 13. (*See* Mori, column 7, lines 23-38)) Thus, Mori discusses multiple "accessories," for example, a car navigation system 13 or a handset 12, and the priority is associated with these accessories, not the portable device.

In stark contrast, Claim 47 recites a **common accessory** and multiple devices attaching to the common accessory "such that a connection between a device having a highest predetermined priority and the common accessory is established first if the device having the highest predetermined priority is present and a connection between a device having a next highest predetermined priority and the common accessory is established if the device having the highest predetermined priority is not present." Nothing in Mori discloses or suggests that multiple devices having associated priorities and connecting these devices to the common accessory based on the associated priorities as recited in Claim 47. Accordingly, Applicant respectfully submits that independent Claims 47, 66, 67 and 86 are patentable over the cited combination for at least the additional reasons discussed herein.

Furthermore, even assuming *arguendo* that Mori discusses a common accessory, nothing in Mori discusses multiple devices capable of connecting to the common accessory each having an associated priority, and connecting the device having the highest priority of the devices present, *i.e.* within range of the common accessory, as recited in Claim 47. Accordingly, Applicant respectfully submits that independent Claims 47, 66, 67 and 86 are patentable over the cited combination for at least the additional reasons discussed herein.

Applicant further submits that one of skill in the art would not be motivated to combine the cited references without using Applicant's disclosure as a road map. In particular, the Final Action states:

> ...it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Mori into the invention of Cannon and Diaz in order to allow the most suitable apparatus at relevant time and location to be automatically selected (citations omitted).

See Final Action, page 5. Applicant respectfully disagrees. As discussed above, Mori discusses multiple accessories having priorities and a single device attaching thereto based on the priority of the accessory. Cannon, on the other hand, discusses a single wireless hands free device and multiple connecting devices. The whole premise of Cannon is to give the driver's device priority. The passengers are given priority based on a first come first serve basis. *See* Cannon, Abstract. Thus, Applicant submits that one of skill in the art would not be motivated to combine the multiple accessory/single device teachings of Mori with the single accessory/multiple device teachings of Cannon without using Applicant's disclosure as a road map. Furthermore, Applicant respectfully submits that even if combined, the combination of Cannon, Diaz and Mori would not teach the recitations of the pending claims for at least the reasons discussed above. Accordingly, Applicant respectfully submits that independent Claims 47, 66, 67 and 86 and the claims that depend therefrom are patentable over the cited combination for at least these additional reasons.

Responsive to Applicant's arguments, the Advisory Action reiterates that "...Mori clearly shows a device database listing the priority of each device and further discloses that if the car navigation system is not present or detected, the handset is then connected..." *See* Advisory Action, page 2. As stated above, Applicant admits that Mori discusses priority and does not claim to have invented the concept of priority. However, the cited portions of Mori discuss that in a particular situation, a single portable device establishes a connection with a second device (an accessory), for example, a car navigation system, based on the priority of the second device in a particular situation. *See e.g.,* Mori, column 4, lines 28-29. In other words, in each particular situation, a particular accessory is deemed to have the highest priority for that situation (...when the car-navigation system 13 is not detected on the wireless LAN, the handset 12 has a higher priority and the ringing sound is produced. When the user

is in the car, the car-navigation system 13 is selected and the speech call is enabled by the hands-free unit 47 of the car-navigation system 13. (*See* Mori, column 7, lines 23-38)) Thus, Mori discusses multiple "accessories" and the priority is associated with these accessories, not the portable device. Thus, Applicant respectfully submits that the pending claims are patentable over the cited combination for at least these reasons.

Accordingly, for at least these reasons, Applicant respectfully submits that the Final Action and/or Advisory Action fail to show that independent claims and the claims that depend therefrom are obvious in view of the cited references and, therefore, requests that the present application be reviewed and that the rejections be reversed by the appeal conference prior to the filing of an appeal brief.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance, which is respectfully requested in due course. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

Elizabeth A. Stanek
Registration No. 48,568

USPTO Customer No. 54414
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 31, 2008.

Candi L. Riggs